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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,598	06/23/2000	Kagumi Moriwaki	018775-794	1464

21839 7590 05/10/2005

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EXAMINER

WU, JINGGE

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/599,598	Applicant(s) MORIWAKI, KAGUMI	
	Examiner Jingge Wu	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Applicants' response to the last Office Action, filed on April 12, 2005 has been entered and made of record.

Applicant's arguments with respect to the rejection(s) of claim(s) 1-28 under 35 USC 102 and 103 have been fully considered and are persuasive. Therefore, the finality of the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 5940530 to Fukushima et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-6, 8-12, 14-17, 18-28 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6097836 to Inoue (a reference of record) in view of US 5940530 to Fukushima et al.

As to claim 10, Inoue discloses an image processing method comprising:
analyzing image data to determine a scene (e.g., red fog in snow scene) of the image (figs. 1 and 6, col. 10 lines 1-19, col. 8 line 62-col. 9, line 10, col. 13, lines 30-39, also see argument above);

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displaying the scene of the image data (601) and a first correction parameter (fig. 1, correct pattern) in correspondence to the scene in a screen of a display device (col. 10 lines 1-8);

setting a second correction parameter (fig. 6, correct amount) in the screen of the display device by a user (col. 10 lines 48-57); and

correcting image data with the first correction parameter obtained by the analysis or with the second correction parameter when the user sets the second correction parameter (col. 1 lines 1-8 and 43-57, col. 13 lines 30-39).

Inoue does not disclose automatically determining a scene or setting the correction parameters because Inoue teaches using a person to designate a scene and set the parameters. However, using a controller or device to determine a scene automatically and then correct it is well known in the art.

Fukushima, in an analogous environment, discloses using a controller or a device for automatically scene determination (fig. 1, 106) and after determined the scene, then to automatically correcting the scenes with correction parameters (fig. 1, 107) (col. 13 line 18-col. 14 line 26)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of Fukushima in the Inoue's system in order to automatically detect the scenes to be corrected and using correction parameters to automatically correct the detected scenes so as to achieve better corrected images.

As to claims 1, 12 and 21, the claims are the corresponding image processor (the whole combined system can be viewed as an image processor) and computer readable

storage medium and image processor claims to claim 10. The discussion are addressed with regard to claim 10.

As to claim 11, Inoue discloses an image processing method comprising:

analyzing image data to determine a scene (e.g., red fog in snow scene) of the image (figs. 1 and 6, col. 10 lines 1-19, col. 8 line 62-col. 9, line 10, col. 13, lines 30-39, also see argument above);

correcting image data automatically with a correction parameter in correspondence to the scene of the image data (col. 1 lines 1-8 and 43-57, col. 13 lines 30-39); and

displaying the scene of the image data in a screen after image data have been corrected (fig. 1, 90, col. 10 lines 1-15, note that the displaying is inherent because the corrected image data is sent to output image buffer and only CRT is disclosed in Inoue).

As to claims 5 and 16, the claims are the corresponding image processor and computer readable storage medium and image processor claims to claim 10. All the elements are discussed with regard to claim 10

As to claims 4, 6, and 15, Inoue further discloses the corrected image data further displayed (fig. 1, 90, col. 10 lines 1-15, note that the display is inherent because the corrected image data is sent to output image buffer, see also argument above).

As to claims 3, 8, 14, and 19, Inoue further discloses the first correction parameter in correspondence to the scene and correction parameters not correspondence to the scene are displayed in the screen (fig. 6, note that the parameter amounts are set by the user).

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As to claims 22-28, Inoue further discloses one of image data is color fog, backlight etc. (fig. 1 and 5, col. 10 lines 49-53).

Claims 2, 7, 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Inoue and Fukushima in view of US 5506946 to Bar et al. (a reference of record).

As to claims 7 and 18, the combination of Inoue and Fukushima does not disclose the cancel function which is well known in the art.

Bar, in an analogous environment, discloses the "reset" function which cancels the setting of correction parameters (fig. 7, 732, col. 13, lines 56-57).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of Bar in the Inoue's system in order to easily achieve undo or cancel effects on the input correction parameters.

As to claims 2, and 13, Inoue does not discloses setting a correction parameter as default parameter.

However, the Examiner takes Official Notice that the feature is well known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of default parameter in the Inoue's system in order to easily achieve to set the input correction parameters.

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (571) 272-7429. He can normally be reached Monday through Thursday from 8:00 am to 4:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (571) 272-2600.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (571) 272-7414.

The Working Group Fax number is (703) 872-9306.

Jingge Wu

Primary Patent Examiner

A large, stylized handwritten signature in black ink, likely belonging to Jingge Wu, is written over the text of the signature block.